

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

In re:
James M. Paul and
Charlene F. Paul,
Debtors

Case No 9:13-bk-05229-FMD
Chapter 7

STATE OF Wisconsin
COUNTY OF Waukegan

AFFIDAVIT IN SUPPORT OF
MOTION TO COMPEL ABANDONMENT

I, Robyn Mathisen, declare:

1. I am over 18 years of age and am employed as a Bankruptcy Specialist of BMO Harris Bank, N.A. ("BMO"). In such capacity, I am authorized to make this affidavit regarding the loan described below (the "Loan"). I am making this Affidavit in connection with and in support of the Motion to which this Affidavit is attached.

2. I have access to and am familiar with BMO's books and records regarding the Loan, including BMO's servicing records and copies of the applicable Loan documents. I am familiar with the manner in which BMO maintains its books and records, including computer records relating to the servicing of the Loan. BMO's records are made at or near the time of the occurrence of the matters set forth in such records, by an employee or representative with knowledge of the acts or events recorded. Such records are obtained, kept and maintained by BMO in the regular course of BMO's business. BMO relies on such records in the ordinary course of its business.

3. According to BMO's books and records, the Loan is evidenced by a

promissory note executed by James M. Paul and Charlene F. Paul and dated November 30, 2006, in the original principal amount of \$1,000,000.00 (the "Note"). *See Exhibit A.*

4. The Note is secured by a Mortgage (the "Mortgage") relating to the real property commonly known as 28311 Terrazza Lane, Naples, Florida 34110 (the "Property"). The Mortgage reflects that it was duly recorded. *See Exhibit B.*

5. Copies of the Note and Mortgage that are attached as Exhibits A and B, respectively, are true and correct copies of said documents contained in BMO's business records.

6. According to BMO's books and records, the current principal balance of the second lien on the Property is \$462,829.99. Copies of the Equity Line Credit Agreement and Mortgage related to the second lien are attached hereto as Exhibit C.

7. A copy of the Merger Documents to BMO is attached hereto as Exhibit D.

8. According to BMO's books and records, a default exists under the Loan for failure to make payments due and owing under the Note and Mortgage beginning with the payment due on February 1, 2013 and all subsequent payments.

9. As of August 15, 2013, the total amount owed under the Note is approximately \$1,006,773.92, itemized as follows:

	<u>AMOUNT</u>
Principal Balance	\$984,575.28
Interest	\$22,188.64
Recording Fee	\$10.00
Total Due as of 8/15/2013:	\$1,006,773.92

10. BMO has retained counsel to represent it in this matter, and is thereby incurring attorneys' fees and expenses in this matter.

11. All documents attached to the Motion as exhibits are true and accurate

copies of the original documents.

12. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 9th day of October, 2013, at 2:05, pm.

Rebyn Mathisen

Rebyn Mathisen, as a

Bankruptcy Specialist of

BMO Harris Bank, N.A.

SUBSCRIBED AND SWORN TO

before me this 9th day of October, 2013.

Dawn Vanek

NOTARY PUBLIC, STATE OF Wisconsin

Commissioned Name of Notary Public Dawn Vanek

Expiration Date: 10-2-2016

[AFFIX NOTARIAL SEAL]

